

S.I.C.  
*John Ensign*

PENDING

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To improve access to pro bono care for medically underserved or indigent individuals by providing limited medical liability protections.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H. R. 4872

To pr	AMENDMENT NO. 3593	on-
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	Page(s)	

GPO: 2008-45-603 (ruse)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1 At the end of subtitle B of title II, insert the fol-
- 2 lowing:
- 3 **SEC. 2. HEALTH CARE SAFETY NET ENHANCEMENT.**
- 4 (a) **LIMITATION ON LIABILITY.**—Notwithstanding
- 5 any other provision of law, a health care professional shall
- 6 not be liable in any medical malpractice lawsuit for a cause
- 7 of action arising out of the provision of, or the failure to
- 8 provide, any medical service to a medically underserved

1 or indigent individual while engaging in the provision of  
2 pro bono medical services.

3 (b) REQUIREMENTS.—Subsection (a) shall not  
4 apply—

5 (1) to any act or omission by a health care pro-  
6 fessional that is outside the scope of the services for  
7 which such professional is deemed to be licensed or  
8 certified to provide, unless such act or omission can  
9 reasonably be determined to be necessary to prevent  
10 serious bodily harm or preserve the life of the indi-  
11 vidual being treated;

12 (2) if the services on which the medical mal-  
13 practice claim is based did not arise out of the ren-  
14 dering of pro bono care for a medically underserved  
15 or indigent individual; or

16 (3) to an act or omission by a health care pro-  
17 fessional that constitutes willful or criminal mis-  
18 conduct, gross negligence, reckless misconduct, or a  
19 conscious, flagrant indifference to the rights or safe-  
20 ty of the individual harmed by such professional.

21 (c) DEFINITION.—In this section—

22 (1) the term “medically underserved individual”  
23 means an individual who does not have health care  
24 coverage under a group health plan, health insur-

1       ance coverage, or any other health care coverage  
2       program; and

3               (2) the term "indigent individual" means and  
4       individual who is unable to pay for the health care  
5       services that are provided to the individual.